

**§ 604. Cutting timber on certain mineral lands; permits to corporations; railroad corporations**

All citizens of the United States and other persons, bona fide residents of the States of Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, North Dakota, South Dakota, Idaho, or Montana, and all other mineral districts of the United States, are authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in said States or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes. It shall be lawful for the Secretary of the Interior to grant permits in accordance with the provisions of this section, to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested. Such permits to confer the same rights and benefits upon such corporations as are conferred upon corporations incorporated in the State in which the privilege is to be exercised, but all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein. The provisions of this section and sections 605 and 606 of this title shall not extend to railroad corporations.

(June 3, 1878, ch. 150, §1, 20 Stat. 88; Jan. 11, 1921, ch. 22, 41 Stat. 1088.)

**CODIFICATION**

The first sentence of this section is from section 1 of act June 3, 1878.

The words of this section reading “bona fide residents of the States of Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, North Dakota, South Dakota, Idaho, or Montana,” read in the original section, “bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana.”

A proviso at the close of section 1 of act June 3, 1878, was combined with a similar proviso in act Jan. 11, 1921, to form the last sentence of this section.

Act of Jan. 11, 1921, is the source of the remainder of the section.

As originally enacted that act began with the following language: “Section 1 of an Act entitled ‘An Act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes,’ approved June 3, 1878, chapter 150, page 88, volume 20, United States Statutes at Large, and section 8 of an Act entitled ‘An Act to repeal timber-culture laws, and for other purposes,’ approved March 3, 1891, as amended by an Act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, and the several Acts amendatory thereof, be, and the same are hereby, extended so that,” etc.

This language was omitted as having been given effect by the combination of the remaining language of the act with section 1 of act June 3, 1878, to form this section, by section 612 of this title.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 605, 606, 607 of this title.

**§ 605. Unlawful cutting on mineral lands; notice to Secretary**

It shall be the duty of such officer as the Secretary of the Interior may designate in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by section 604 of this title, within such land district; and, if so, he shall immediately notify the Secretary of the Interior of that fact; and all necessary expenses incurred in making such proper examinations shall be paid for and allowed such officer in making up his next quarterly account.

(June 3, 1878, ch. 150, §2, 20 Stat. 88; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

**TRANSFER OF FUNCTIONS**

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

“Such officer as the Secretary of the Interior may designate” substituted in text for “the register and the receiver of any local land office”, “Secretary of the Interior” for “Commissioner of the General Land Office”, and “such officer” for “such register and receiver” on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 604, 606, 607 of this title.

**§ 606. Offense for unlawful cutting on mineral lands; punishment**

Any person or persons who shall violate the provisions of sections 604 and 605 of this title, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding \$500, and to which may be added imprisonment for any term not exceeding six months.

(June 3, 1878, ch. 150, §3, 20 Stat. 89.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 604, 607 of this title.

**§ 607. Cutting and removal of timber on certain public lands for certain purposes**

In the States of Alaska, Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, New Mexico, and Arizona, and the gold and silver regions of Nevada, California, Oregon, Washington, and Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State by a resident thereof

for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain. The Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this section shall not operate to repeal sections 604 to 606 of this title. (Mar. 3, 1891, ch. 559, 26 Stat. 1093; Mar. 3, 1891, ch. 561, § 8, 26 Stat. 1099; Feb. 13, 1893, ch. 103, 27 Stat. 444; July 1, 1898, ch. 546, § 1, 30 Stat. 618; Mar. 3, 1901, ch. 855, 31 Stat. 1436; Mar. 3, 1901, ch. 862, 31 Stat. 1439; Mar. 3, 1919, ch. 111, 40 Stat. 1321; Mar. 3, 1919, ch. 115, 40 Stat. 1322; Feb. 27, 1922, ch. 82, 42 Stat. 398; Aug. 21, 1935, ch. 591, 49 Stat. 665; June 25, 1959, Pub. L. 86-70, § 41, 73 Stat. 151.)

#### CODIFICATION

Section was derived from section 8 of act Mar. 3, 1891, ch. 561. The portion of that section set forth here, as originally enacted was as follows: "And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, and in the District of Alaska and the gold and silver regions of Nevada, and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same; but nothing herein contained shall apply to operate to enlarge the rights of any railway company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section". It was amended to read as set forth here by act Mar. 3, 1891, ch. 559, except that after the word "Wyoming," the words "New Mexico and Arizona," were inserted by act Feb. 13, 1893, and after the word "Nevada," the words "California, Oregon, and Washington" were inserted by act Mar. 3, 1901, ch. 855.

In the section as originally enacted the words "Territory of Alaska" read "District of Alaska," and the words "the Territory of," preceded the word "Utah".

Act July 1, 1898, amended section in the manner set out in section 611 of this title.

Act Mar. 3, 1919, ch. 111, amended section in the manner set out in section 608 of this title.

Act Mar. 3, 1919, ch. 115, amended section in the manner set out in section 609 of this title.

Act Feb. 27, 1922, amended section in the manner set out in section 610 of this title.

Act Aug. 21, 1935, amended section in the manner set out in section 611a of this title.

The portion of the section omitted here prescribed the time within which suits by the United States to annul patents should be brought, and is classified to section 1166 of Title 43, Public Lands.

#### AMENDMENTS

1959—Pub. L. 86-70 included Alaska within the enumeration of States and struck out provisions which related to Territory of Alaska.

#### CROSS REFERENCES

Citizens of Bear Lake County, Idaho, to be permitted to cut and remove timber on unappropriated public do-

main for domestic use subject to provisions of this section, see section 611a of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 608, 609, 610, 611, 611a, 612, 613 of this title.

#### § 607a. Cutting and use of timber in Alaska by settlers, residents, miners, etc.

The Secretary of the Interior may permit under regulations to be prescribed by him the use of timber found upon the public land in Alaska by actual settlers, residents, individual miners, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes, as may actually be needed by such persons for such purposes and may permit such use by churches, hospitals, and charitable institutions in Alaska for firewood, fencing, buildings, and for domestic purposes.

(May 14, 1898, ch. 299, § 11, 30 Stat. 414; June 15, 1938, ch. 437, 52 Stat. 699.)

#### CODIFICATION

Section is comprised of the last sentence of section 11 of act May 14, 1898. The remainder of section 11 of act May 14, 1898, is classified to section 615a of this title.

Section was formerly classified to section 423 of Title 48, Territories and Insular Possessions.

#### AMENDMENTS

1938—Act June 15, 1938, inserted last clause relating to use of timber by churches, hospitals, and charitable institutions.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3215 of this title; title 43 sections 942-1, 942-3 to 942-8.

#### § 608. Permits to cut and remove timber; citizens of Malheur County, Oregon

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title to citizens of Malheur County, Oregon, to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Malheur County, State of Oregon.

(Mar. 3, 1891, ch. 561, § 8 [part], as added Mar. 3, 1919, ch. 111, 40 Stat. 1321.)

#### CODIFICATION

Section is derived from act Mar. 3, 1919, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

#### § 609. Permits to cut and remove timber; citizens of Modoc County, California

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Modoc County, California, to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Modoc County, State of California.

(Mar. 3, 1891, ch. 561, § 8 [part], as added Mar. 3, 1919, ch. 115, 40 Stat. 1322.)

#### CODIFICATION

Section is derived from act Mar. 3, 1919, which recites that it amends section 8 of act Mar. 3, 1891, which is the